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|---|------------------------|---------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/006,009             | VAN GEMEN ET AL.    |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Diana B. Johannsen     | 1634                |  |

**All Participants:**

(1) Diana B. Johannsen.

(2) Andrew F. Nilles.

**Status of Application:** allowed

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 27 October 2004

**Time:** N/A (telephonic)

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*N/A*

**Claims discussed:**

*all pending*

**Prior art documents discussed:**

*N/A*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Applicants' representative contacted the examiner and authorized the amendment proposed on 10/26/04. Claims 17-25 and 47-52 are therefore allowed subject to an Examiner's amendment (see attached Office action).*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. ~~The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.~~  
☐ ~~It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.~~

Diana B. Johannsen 10/28/04  
 (Examiner/SPE Signature)

N/A  
 (Applicant/Applicant's Representative Signature – if appropriate)

|   |                        |                     |  |
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|   | 10/006,009             | VAN GEMEN ET AL.    |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Diana B. Johannsen     | 1634                |  |

**All Participants:**

(1) Diana B. Johannsen.

(2) Andrew F. Nilles.

**Status of Application:** after final

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 26 October 2004

**Time:** N/A (telephonic)

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

*potential new issues under 35 USC 112, first paragraph (scope of enablement); remaining 112/2 issues*

Claims discussed:

*all pending, particularly claim 17*

Prior art documents discussed:

NA

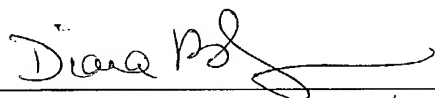
**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



**DIANA JOHANNSEN  
PRIMARY EXAMINER**

*10/26/04*

*N/A*

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: It is noted that the examiner and applicants' representative also spoke briefly 10/7/04 and 10/21/04 regarding the fact that the examiner was awaiting receipt of additional references identified during an updated search, as well as receipt of applicants' priority documents (which were not properly scanned into the electronic file during paper to electronic conversion). During the telephone interview of 10/26/04, the examiner noted that, upon further consideration, the pending claims and the claims presented after final do not meet the requirements of 35 USC 112, first paragraph, as the teachings of the specification, considered in view of the prior art, are enabling for methods employing relative ratios of mitochondrial to chromosomal nucleic acids, but not for the other types of relative ratios now encompassed by the claims (e.g., ratios of chloroplast to chromosomal nucleic acids, mitochondrial to mitochondrial nucleic acids, etc.). The examiner proposed amended claims that are enabled and that could therefore be allowed at the present time. The examiner also noted that as she had raised the issue of a possible new grounds of rejection after final, that if applicant preferred (and if agreement with respect to allowable claim language could not be reached), applicants' after final amendment would be entered and prosecution of the application would be re-opened to give applicant the opportunity to address the new issues raised by the examiner. Applicants' representative indicated that he would contact applicants regarding the examiner's proposal and respond shortly. .